

January 17, 1951.
Judiciary No. 1.

House File 84
By COOKSEY.

Passed House, Date

Vote: Ayes..... Nays.....

Passed Senate, Date.....

Vote: Ayes..... Nays.....

Approved

A BILL FOR

An Act to amend chapter seven hundred eighty-two (782),
Code 1950, by inserting a new section relating to
the comments by prosecuting attorneys on the failure
of the defendant in a criminal case to give testimony.

Be It Enacted by the General Assembly of the State of Iowa:

- 1 Section 1. Chapter seven hundred eighty-two (782),
- 2 Code 1950, is amended by inserting the following new section:
- 3 "The refusal of the defendant in any criminal prosecution to
- 4 give testimony shall not be made the subject of comment by the
- 5 prosecuting attorney in the presence of the jury."

EXPLANATION OF H. F. 84

The purpose of this bill is to prevent comment by a prosecuting attorney on the failure of a defendant in a criminal case to testify. Such comment by a prosecutor often defeats the privilege of defendants not to testify. It will be in keeping with said existing privilege to prevent such comments by prosecutors which quite often in effect destroy the privilege by suggestions to the jury and innuendo implying there is no question of defendant's guilt or testimony would have been given.